United Nations ST/AI/371/Amend.1

Secretariat

11 May 2010

Administrative instruction amending administrative instruction ST/AI/371

Revised disciplinary measures and procedures

The Under-Secretary-General for Management, pursuant to paragraph 4.2 of Secretary-General's bulletin ST/SGB/2009/4, and for the purpose of implementing General Assembly resolutions 61/261, 62/228 and 63/253, staff regulation 10.1 and chapter X of the Staff Rules, amends administrative instruction ST/AI/371, entitled "Revised disciplinary measures and procedures", as follows:

1. The heading of section II and the text of paragraph 2 of ST/AI/371 shall be replaced by the following:

"II. Investigation and fact-finding

"2. Where there is reason to believe that a staff member has engaged in unsatisfactory conduct for which a disciplinary measure may be imposed, the head of office or responsible officer shall undertake an investigation. Staff rule 10.1 provides that 'Failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances, or to observe the standards of conduct expected of an international civil servant may amount to misconduct and may lead to the institution of the disciplinary process and the imposition of disciplinary measures for misconduct.' Conduct for which disciplinary measures may be imposed includes, but is not limited to:

"(a) Acts or omissions in conflict with the general obligations of staff members set forth in article 1 of the Staff Regulations and the Staff Rules and instructions implementing it;

"(b) Unlawful acts (e.g., theft, fraud, possession or sale of illegal substances, smuggling) on or off United Nations premises, and whether or not the staff member was officially on duty at the time;

"(c) Misrepresentation, forgery or false certification in connection with any United Nations claim or benefit, including failure to disclose a fact material to that claim or benefit;

"(d) Assault upon, harassment of, or threats to other staff members;

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"(e) Misuse of United Nations property, equipment or files, including electronic files;

"(f) Misuse of office; abuse of authority; breach of confidentiality; abuse of United Nations privileges and immunities;

"(g) Acts or behaviour that would discredit the United Nations."

2. Paragraph 3 of ST/AI/371 shall be amended as follows:

"3. If the investigation results in sufficient evidence indicating that the staff member engaged in wrongdoing that could amount to misconduct, the head of office or responsible officer should immediately report the matter to the Assistant Secretary-General, Office of Human Resources Management, giving a full account of the facts that are known and attaching documentary evidence, such as cheques, invoices, administrative forms, signed written statements by witnesses and any other document or record relevant to the alleged misconduct."

3. In paragraphs 4, 5 and 6 of ST/AI/371, the word "suspension" shall be replaced by "administrative leave".

4. In paragraph 5 of ST/AI/371, the reference to former "staff rule 110.2 (a)" shall be replaced by "staff rule 10.4".

5. Paragraph 6 (c) shall be amended as follows:

"(c) Notify the staff member of his or her right to seek the assistance of counsel in his or her defence through the Office of Staff Legal Assistance, or from outside counsel at his or her own expense, and offer information on how to obtain such assistance."

6. The text of paragraph 9 of ST/AI/371 shall be amended and replaced by the following two paragraphs, separated by a new section III heading, as follows:

"9. Upon consideration of the entire dossier, the Assistant Secretary-General, Office of Human Resources Management, on behalf of the Secretary-General shall proceed as follows:

"(a) Decide that the disciplinary case should be closed, and immediately inform the staff member that the charges have been dropped and that no disciplinary action will be taken. The Assistant Secretary-General may, however, decide to impose one or more of the non-disciplinary measures indicated in staff rule 10.2 (b)(i) and (ii), where appropriate; or

"(b) Should the preponderance of the evidence indicate that misconduct has occurred, recommend the imposition of one or more disciplinary measures.

"Decisions on recommendations for the imposition of disciplinary measures shall be taken by the Under-Secretary-General for Management on behalf of the Secretary-General. The Office of Legal Affairs shall review recommendations for dismissal of staff under staff rule 10.2 (a)(ix). Staff members shall be notified of a decision to impose a disciplinary measure by the Assistant Secretary-General for Human Resources Management.

"III. Application to the United Nations Dispute Tribunal

"10. A staff member against whom a disciplinary or a non-disciplinary measure has been imposed following the conclusion of the disciplinary process is not required to request a management evaluation, and may submit an application to the United Nations Dispute Tribunal in accordance with chapter XI of the Staff Rules. The submission of an application to the United Nations Dispute Tribunal contesting a disciplinary or non-disciplinary measure imposed following the conclusion of the disciplinary process shall be made within 90 calendar days of receiving notification of the decision. The filing of such an application shall not have the effect of suspending the measure."

7. Paragraphs 10 to 25 of ST/AI/371 relating to the joint disciplinary committees and the actions taken on the basis of joint disciplinary committee recommendations are hereby abolished.

8. Pursuant to section 3 of ST/SGB/2009/11 ("Transitional measures related to the introduction of the new system of administration of justice"), matters investigated prior to 1 July 2009 that are the subject of an ongoing disciplinary process and disciplinary processes initiated prior to 1 July 2009 shall be handled under chapter X of the Staff Rules and the procedures provided in ST/AI/371 as amended by this instruction.

9. The present instruction shall enter into force on the date of its issuance and shall remain in effect until further notice.

(*Signed*) Angela **Kane**
Under-Secretary-General for Management